

PROPOSED REVISION

When Testing Takes Place

&

Who Selects Sample of Batch

Sec. 121. 1. Immediately before ~~manufacturing~~ **THE FINAL PACKAGING OF** any marijuana product or ~~packaging raw~~ marijuana for sale to a medical marijuana dispensary, a cultivation facility shall segregate all harvested marijuana into homogenized batches. ~~and select a random sample from each batch for testing by an independent testing laboratory.~~ Each cultivation facility must designate a person responsible for segregating all harvested marijuana into homogenized batches pursuant to this subsection. That person:

(a) Must receive training provided by the Division in the proper methods of ~~selecting~~ **PREPARING** a random, homogenized sample for testing;

(b) Is responsible for filing an attestation with the Division as to the manner in which each random, homogenized ~~sample is selected~~ **BATCH WAS PREPARED** for testing; **AND**

(c) **WILL PROVIDE ANALYTICAL TESTING EXPERTS WHO ARE AGENTS OF AN INDEPENDENT, THIRD-PARTY ACCREDITED LABORATORY FULL, UNIMPEDED ACCESS TO TAKE RANDOM SAMPLES FROM THE BATCH.**

There are two important principles here.

- **TESTING IMMEDIATELY PRIOR TO MANUFACTURING IS MEANINGLESS.** Testing that provides an assurance of purity, consistency of dosage and full disclosure of active ingredients can only be done IMMEDIATELY PRIOR TO FINAL PACKAGING. It is that last profile that matters to the patient and physician. The adding of other ingredients and the very manufacturing process itself are certain to alter the Active Ingredients. Plus, testing prior to manufacturing does nothing to protect against harm caused by unsafe or adulterated processing & packaging. The very profile of the product, as well as its purity, cannot be described after manufacturing by a test done before manufacturing.
- **OBTAINING A SAMPLE THAT IS REPRESENTATIVE OF THE WHOLE BATCH is** not an appropriate role for an agent of the Cultivation Facility. For the test results to provide patients with scientifically accurate information that is sufficient to enable them to make well-informed choices, the selection of the random sample from the batch needs to be done by unbiased analytical testing experts who work for an independent, third-party accredited laboratory.